

REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-20 are pending in the application and that claims 1-20 are rejected. No claims have been cancelled or amended, and no new claims have been added, by way of this response. Claims 1-20 are not believed to be anticipated nor obvious in light of the prior art of record. The Office Action is believed to be incomplete, improper, and confusing at best. Applicants respectfully request reconsideration and/or issuance of a new office action that properly rejects or allows each of claims 1-20.

Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 1-7, 11-19, and 21 under 35 U.S.C. §102(e) as being unpatentable over *Hayward, et al.* (U.S. Patent No. 5,812,776) This rejection is incapable of being understood by Applicants as no claim 21 is pending in the case. Secondly, claims 11-15 are dependent from independent claim 8. Since independent claim 8 has not been rejected under 35 U.S.C. §102(e), this rejection is improper and cannot be interpreted by Applicants in order to submit a proper response.

In paragraph 4 of the Office Action, the Examiner has cited *Hayward* against claims 1 and 21. Claim 21 does not exist. With respect to claim 1, *Hayward* does not establish a *prima facie* case of anticipation because *Hayward* does not provide a single reference that teaches or enables each of the claimed elements (arranged as in the claim) expressly or inherently as interpreted by one of ordinary skill in the art. More particularly, *Hayward* does not teach a computer peripheral device having a messaging system as arranged in the claim. Instead, *Hayward* merely teaches the sensing of a peripheral indicia at a computer, wherein the indicia includes any of a model or part number, a date of manufacture, a serial number and configuration information for peripherals that may have diverse reconfigurable parts (see col. 3, lines 65-67 through col. 4, lines 1-2). Furthermore, *Hayward, et al.* indicates that firmware sends a peripheral condition to an application program running in a computer (see col. 5, lines 14-17). Nowhere does such recitation teach or enable the claimed

combination of a messaging system between a personal computer and at least one computer peripheral device via a communication link and via a user interaction site, as recited in claim 1.

Further with regard to the rejection of claims 1-7 under 35 U.S.C. §102(e), only claims 2, 6 and 7 are formulated as rejections pursuant to paragraphs 5, 6, and 7, respectively, in the Examiner's Office Action.

Applicants respectfully request that the Examiner issue another office action that properly delineates the claims and claim rejections being made.

Rejections Under 35 U.S.C. §103

The Examiner has rejected claim 3, under 35 U.S.C. 103(a) as being unpatentable over *Hayward, et al.*, in view of *Mayo, et al.* (U.S. Patent No. 6,529,936). In order to teach a *prima facie* case of obviousness, the Examiner must provide (1) one or more references (2) that were available to the inventor and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. As previously stated with regard to *Hayward, et al.*, *Hayward* does not teach a messaging system on at least one computer peripheral device as recited in claim 1.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Hayward, et al.* in view of *Kodimer, et al.* (U.S. Patent No. 6,003,078). The Examiner asserts that *Hayward* teaches a user interaction site comprising a network administrator personal computer communicating with the server, and a network management application provided on the server to generate and forward a message to a network administrator. However, *Hayward* does not teach the previously recited claim limitations of independent claim 1, nor the specifically recited limitations of "the user interaction site comprises a network administrator personal computer communicating with the server (of a network environment), and a network management application provided on the server generates and forwards a message to a network administrator".

The Examiner rejects claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Hayward, et al.* in view of *Kageyama* (U.S. Patent No.

6,333,790) However, *Hayward* failed to teach the limitations of claim 1, as previously discussed. Accordingly, a *prima facie* case of obviousness is not established with respect to claim 5.

Finally, the Examiner states "claims 8-20 do not teach any new limitations above claims 1-7 and are therefore rejected for the above-mentioned reasons". Applicants have paid a filing fee in order to receive an examination of claims 1-20, as originally filed. Claims 8-20 are not identical to claims 1-7. For example, independent claim 8 includes a communication link and a user interface. In contrast, claim 1 includes a user interaction site. These claims are different and deserve separate examination, not a rubber stamp, cookie cutter disposal. It is believed that this rejection is inappropriate and unacceptable, and that claims 8-20 are deserving of a proper examination and rejection or allowance. The courts have clearly indicated that the addition or modification of a single word within a claim imparts different scope of coverage to the claim. As a second example, independent claim 16 recites: "providing a computer peripheral device, a personal computer having a communication link with a reseller of a consumable, a messaging system extending between the computer peripheral device and the personal computer, and a user interaction site; determining an environment in which the computer peripheral device and the personal computer are provided by detecting the presence of a parallel cable or the presence of a network environment; for the case where the presence of a network environment is detected, further broadcasting a discovery protocol to detect the presence of a centralized order-assistance solution; and based on the determined environment, providing the user interaction site in the form of: a user interface when the network environment comprises a single-connection environment; an embedded web server when the network environment comprises an unmanaged network environment; and a centralized system administrator interface when the network environment comprises a server-based, centralized network environment."

This recitation of claim 16 is vastly different than independent claim 1. Accordingly, Applicants disagree with the Examiner's rejection of claims 8-20 pursuant to 35 U.S.C 103(a). Applicants also request a proper examination of these claims. In the absence of such proper examination and

rejection, Applicants believe that claims 8-20 are allowable and action to that end is respectfully requested.


CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

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